

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	ROBERTO DURAND,	Case No. 3:22-cv-00060-MMD-CSD
4		ORDER
5	v.	
6	M. CLAY,	
7		Defendant
8		

9 **I. DISCUSSION**

10 On February 2, 2022, Plaintiff, an inmate in the custody of the Nevada Department
 11 of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and
 12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s
 13 application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted an
14 inmate account statement for the previous six-month period with his application. The
 15 Plaintiff is advised that a Financial Certificate (page 4 of this Court’s application) and an
 16 inmate account statement for the previous six-month period are two separate documents
 17 the Court requires to consider his *in forma pauperis* application fully complete.

18 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
 19 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
 20 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the
 21 inmate must submit all three of the following documents to the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
 23 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
 24 page 3),
 25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 26 official (i.e. page 4 of this Court’s approved form), and
 27 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
 28 **previous six-month period**.

1 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*
 2 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant
 3 Plaintiff a one-time extension to file a fully complete application to proceed *in forma*
 4 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete
 5 application to proceed *in forma pauperis* on or before **April 8, 2022**. Absent unusual
 6 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not
 7 file a fully complete application to proceed *in forma pauperis* with all three required
 8 documents on or before **April 8, 2022**, this case will be subject to dismissal without
 9 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all
 10 three of the documents needed to file a fully complete application to proceed *in forma*
 11 *pauperis* or pays the full \$402 filing fee.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 13 case with the Court, under a new case number, when Plaintiff has all three documents
 14 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
 15 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 16 full filing fee of \$402 on or before **April 8, 2022** to proceed with this case.

17 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but the Court
 18 will not file the complaint unless and until Plaintiff timely files a fully complete application
 19 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

20 **II. CONCLUSION**

21 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
 22 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
 23 application to proceed *in forma pauperis* with all three documents.

24 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
 25 approved form application to proceed *in forma pauperis* by an inmate, as well as the
 26 document entitled information and instructions for filing an *in forma pauperis* application.

27 IT IS FURTHER ORDERED that on or before **April 8, 2022**, Plaintiff will either pay
 28 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52

1 administrative fee) or file with the Court:

2 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** on this
3 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
4 signatures on page 3),
5 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
6 official (i.e. page 4 of this Court's approved form), and
7 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
8 **previous six-month period.**

9 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
10 application to proceed *in forma pauperis* with all three documents or pay the full \$402
11 filing fee for a civil action on or before **April 8, 2022**, this case will be subject to dismissal
12 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
13 when Plaintiff has all three documents needed to file a complete application to proceed
14 *in forma pauperis* or pays the the full \$402 filing fee.

15 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
16 (ECF No. 1-1) but will not file it at this time.

17 DATED: February 7, 2022

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19 UNITED STATES MAGISTRATE JUDGE

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